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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Ashley Robinson, Natural Parent and
Guardian of minor **C.H.**,

Plaintiff,
vs.

Lorna Caba-At Oberes, individually and
in her official capacity; **Audrey Arnold**,
individually and in her official capacity;
Barbara Clark, individually and in her
official capacity; **Clark County School
District**, a Political Subdivision of the
State of Nevada; Does I through XX,
inclusive.

Defendants.

Case No.: 2:24-cv-00228-CDS-MDC

**Stipulated Proposed Discovery Plan
and Scheduling Order**

**(Special Scheduling Review
Requested)**



Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b), Plaintiff, Ashley Robinson, individually ("Plaintiff"), and Defendant Lorna Caba-At Oberes, Audrey Arnold Barbara Clark, and Clark County School District (collectively referred to as "Defendants").¹ The Parties, by and through their respective counsel of record, submit this proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the preceding or next judicial day.

Description of Action/Procedural History

Plaintiffs originally filed the complaint in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, designated as Case No.: A-23-882497-C, on November 30, 2023. Defendants removed the case to this Court on February 1, 2024 (ECF No. 1).

On February 20, 2024, Defendants filed their Answer and Demand for Jury Trial by Defendants Clark County School District, Audrey Arnold, and Barbara Clark (ECF No. 11). On February 22, 2024, Plaintiffs filed a Motion to Expand Time for Service & Order for Service of Defendant Lorna Caba-At Oberes through Alternative Service (ECF No. 13). As no oppositions were filed, on March 13, 2024.

Proposed Discovery Plan

Pursuant to FRCP 26(f), a meeting was held on **March 21, 2024**, and was attended telephonically by Bre'Ahn Brooks, Esq., of H&P LAW for Plaintiffs and Stephanie Zinna, Esq. of OLSON CANNON & GORMLEY for Defendants CCSD, Audrey Arnold, Barbara Clark.

1. **Initial Disclosures:** Pursuant to FRCP 26(a)(1), the Parties will make their initial disclosures, on or before **April 4, 2024**.
2. **Areas of Discovery:** The parties are in agreement that discovery will be

¹ Plaintiff and Defendants are collectively referred to as the "Parties."



needed on the Plaintiffs' claims, Defendants' denials and the affirmative defenses. No changes should be made on the limitations of discovery imposed under Federal Rules of Civil Procedure or local rules.

3. **Discovery Plan:** The Parties propose the following discovery plan:

a. **Discovery Cut-Off Date:** LR 26-1(b)(1) provides that "[u]nless the court orders otherwise, discovery periods longer than 180 days from the date the first defendant answers or appears will require special scheduling order review[.]" The Parties agree that the discovery in this matter will require special scheduling review. The Parties anticipate that discovery will surpass the standard 180 days. However, as set forth fully below, the parties respectfully request a 240-day discovery period, from the date of the Defendants' first responsive filing in this matter. The Parties intend to work swiftly and diligently with obtaining the necessary discovery, however experience dictates that children's medical records and governmental data regarding trucking companies are difficult to obtain therefore, the Parties believe they may need to extend beyond 240 days.

b. **Discovery Cut-Off Date:** Defendants filed their first responsive filing on February 20, 2024. (ECF No. 11).

c. Given the complexity of the claims asserted, the number of the parties, some of which are minor children, the injuries claimed by Plaintiffs, the number of documents likely to be produced, the need to subpoena underlying medical records directly from Plaintiffs' providers, and the need for experts who will need to perform a detailed review of said documents, the Parties respectfully request a 240-day discovery period, from February 20, 2024, the date of the Defendants' first responsive filing [11]. The

stipulated discovery cut-off date is therefore **October 18, 2024**.

d. Discovery must be completed no later than **October 18, 2024**.

e. **Amending the Pleadings and Adding Parties:** The Parties shall have until **August 29, 2024**, to file any motions to amend the pleadings or add parties. This is 60 days before the discovery cut-off date.

f. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of all experts shall proceed according to FRCP 26(a)(2) and LR 26-1(b)(3) as follows: The disclosure of initial experts and their reports shall occur on or before **August 29, 2024**. The disclosure of rebuttal experts and their reports shall occur on or before **September 30, 2024**. These deadlines are 60 and 30 days before the discovery cut-off date, respectively.

g. **Dispositive Motions:** The last date to file dispositive motions shall not be later than 30 days after the discovery cut-off date **November 18, 2024**, as required by LR 26-1(b)(4).

4. **Pretrial Order:** The Parties shall prepare a Consolidated Pretrial Order on or before **December 18, 2024**, which is not more than 30 days after the date set for filing dispositive motions in this case, as required by LR 26-1(b)(5). In the event that dispositive motions are filed, the joint pretrial order shall be filed no later than 30 days after the order(s) on the dispositive motions are entered, or as otherwise ordered by the Court. The disclosures required under Fed. R. Civ. P. 26(a)(3), and objections thereto, shall be made in the joint pretrial order.

5. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR 26-4 governs the modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than 21 days before the discovery deadline sought to be extended. A request made after the expiration date of the subject deadline shall not be granted unless



the movant demonstrates that the failure to act was the result of excusable neglect.

6. FRCP 26-1(b)(9) – Presentation of Electronic Evidence for Jurors:

The parties certify they have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. Discussions between the parties will be ongoing as the trial date approaches and they stipulate that they intend to present any electronic evidence in a format compatible with the Court's electronic jury evidence display system.

7. Trial by Magistrate Judge and Short Trial Program. The parties hereby certify that they have considered consent to trial by a Magistrate Judge under 28 U.S.C. §636(c) and Fed. R. Civ. 73 and the use of the Short Trial Program.

8. Alternative Dispute Resolution: The parties have considered the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation (collectively, ADR), and are agreeable to engaging in a settlement conference, including one under LR 16-5 should the Court deem the case appropriate for such a settlement conference.

DATED this 3rd day of April 2024.

H&P LAW

/s/ Bre'Ahn Brooks

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DATED this 3rd day of April 2024.

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Attorneys for Defendants

Clark County School District,

Audrey Arnold, Barbara Clark

ORDER

It is so ordered.

Dated: 4/8/2024


Hon. Maximiliano D. Couvillier III
United States Magistrate Judge